

Plaintiff James Hayden (“Mr. Hayden”) and Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, “Take-Two”) submit the following joint Stipulations of Fact, pursuant to Judge Boyko’s standing Trial Order (¶ 4).

1. James Hayden represents that he owns a tattoo shop called Focused Tattoos.
2. Danny Green represents he is a professional NBA player, who has been playing professional basketball since 2009.
3. James Hayden is identified as the claimant on Copyright Registration Numbers VAu 1-287-552, titled “Fire D.G.”; and VAu 1-287-545, titled “Scroll D.G.”
4. The effective date of registration for the Copyright Registrations VAu 1-287-552 and VAu 1-287-545 is August 11, 2017.
5. LeBron James represents he is a professional NBA player, who has been playing professional basketball since 2003.

6. James Hayden is identified as the claimant on Copyright Registration Numbers VAu 1-263-888, titled “Gloria”; VAu 1-271-044, titled “Lion”; and VAu 1-270-802, titled “Shoulder Stars.”
7. The effective date of registration for the Copyright Registrations VAu 1-263-888, VAu 1-271-044, and VAu 1-270-802 is September 6, 2016.
8. Tristan Thompson represents he is a professional NBA player, who has been playing professional basketball since 2011.
9. James Hayden is identified as the claimant on Copyright Registration Number VAu 1-292-453, titled “Brother’s Keeper T.T.”
10. The effective date of registration for Copyright Registration VAu 1-292-453 is August 11, 2017.
11. Take-Two realistically depicts professional basketball players, including the tattoos they bear in real life, in Take Two’s *NBA 2K* series of video games.
12. *NBA 2K16* was released on or around September 29, 2015.
13. *NBA 2K17* was released on or around September 20, 2016.
14. *NBA 2K18* was released on or around September 19, 2017.
15. *NBA 2K19* was released on or around September 7, 2018.
16. *NBA 2K20* was released on or around September 6, 2019.
17. Take-Two has depicted Danny Green, LeBron James, and Tristan Thompson realistically in *NBA 2K16*, *NBA 2K17*, *NBA 2K18*, *NBA 2K19*, *NBA 2K20*, and *NBA 2K Mobile*, including with the tattoos they bear in real life.

DATED: August 1, 2022

/s/ Dale M. Cendali

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2022, a copy of the foregoing was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ Andrew W. Alexander

One of the attorneys for Plaintiff